IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 8467 OF 2005
IN
CRIMINAL APPEAL NO. 1234 OF 2005

Kailashkumar Virbahadur Agri .. Applicant

Vs.

The State of Maharashtra .. Respondent

Mr. Maharuka Adenwalla and Dr. Yug Mohit Chaudhry for applicant.

Ms. A.S. Pai, APP for State.

**CORAM : B. H. MARLAPALLE &**
**SMT. R.S. DALVI,JJ.**

**Date : January 23, 2006.**

**P.C.:**

1. Heard the learned counsel for the applicant who has been convicted and sentenced for the offences punishable under Sections 302, 395, 396 of I.P.C. by the learned Additional Sessions Judge, Gr. Bombay in Sessions Case No.1088 of 2001 and against the said order dated 30/4/2005 Criminal Appeal has been filed but belatedly and hence this application for condonation of delay.

2. As per the office note, the delay caused is of 177 days. The applicant has been in custody throughout i.e. from 11/8/2001 and his appeal cannot

be allowed to go in default. We are, therefore, satisfied that the delay caused in filing the appeal deserves to be condoned.

3. The application is, therefore, allowed in terms of prayer clause (a).

**(Smt.R.S. Dalvi,J.)** **(B.H. Marlapalle, J.)**